

AMENDED IN ASSEMBLY MAY 3, 2012
AMENDED IN ASSEMBLY APRIL 16, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2443

Introduced by Assembly Member Williams

February 24, 2012

An act to add Article 1.3 (commencing with Section 675) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL’S DIGEST

AB 2443, as amended, Williams. Vessels: registration fee: Quagga and Zebra Mussel Infestation Prevention Program.

Existing law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Existing law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species.

Existing law requires the owner of a vessel, as described, to register the vessel with the Department of Boating and Waterways (department), in accordance with prescribed requirements. Existing law establishes a registration fee for vessels and applies certain fee increases to that registration fee.

This bill would impose an additional fee in an amount not to exceed \$10, as determined by the department, on a vessel required to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to implement and administer a dreissenid mussel monitoring, inspection, and eradication program, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Quagga and zebra mussels, nonnative dreissenid mussels
4 introduced in the United States from Europe in 1988, pose an
5 immediate and significant threat to California's water supply, flood
6 control, power generation, and aquatic recreation infrastructure.
7 Once established in a body of freshwater, quagga and zebra mussels
8 latch onto pipes, valves, screens, irrigation canals, and gates, often
9 in quantities that severely impede the movement of water and the
10 necessary operation of other critical water management
11 infrastructure.
12 (b) Quagga and zebra mussel infestation poses tremendous
13 financial burdens on local governments and local economies.
14 Between 2000 and 2010, widespread zebra mussel infestation of
15 the Great Lakes region resulted in over \$5 billion in economic
16 impacts. Were it to become infested, California's Lake Tahoe alone
17 would likely incur economic impacts of over \$20 million annually.
18 (c) Quagga and zebra mussel infestations have been identified
19 in 25 bodies of freshwater in California, most within the southern
20 California region. These infestations threaten additional water
21 management and recreational facilities throughout southern
22 California as well as facilities across the state. Facilities threatened
23 with infestation include, but are not limited to, agricultural water
24 management infrastructure in the central valley, drinking water
25 facilities in the central coast and north coast regions, power

1 generation infrastructure in the Sierra Nevada, and flood control
2 facilities throughout California's watersheds.

3 (d) Existing law prohibits the possession, importation, shipment,
4 transportation, planting, or placement of quagga and zebra mussels
5 in any water within the state.

6 (e) An urgency exists due to the tremendous water management
7 impacts and state and local government costs associated with
8 quagga and zebra mussel infestation.

9 (f) The fees required by Article 1.3 (commencing with Section
10 675) of Chapter 5 of Division 3 of the Harbors and Navigation
11 Code, as determined by the Department of Boating and Waterways,
12 are solely for the reasonable regulatory costs incident to performing
13 investigations and inspections necessary to prevent and control
14 the infestation of California waters by quagga and zebra mussels.

15 (g) It is therefore the intent of the Legislature that fees required
16 by Article 1.3 (commencing with Section 675) of Chapter 5 of
17 Division 3 of the Harbors and Navigation Code, as determined by
18 the Department of Boating and Waterways, shall not exceed the
19 cumulative reasonable regulatory costs incident to performing
20 investigations and inspections necessary to prevent quagga and
21 zebra mussel infestation.

22 SEC. 2. Article 1.3 (commencing with Section 675) is added
23 to Chapter 5 of Division 3 of the Harbors and Navigation Code,
24 to read:

25
26 Article 1.3. Quagga and Zebra Mussel Infestation Prevention
27 Fee
28

29 675. (a) In addition to the fees imposed pursuant to paragraphs
30 (1) and (2) of subdivision (b) of Section 9853 of the Vehicle Code,
31 there shall also be imposed an additional quagga and zebra mussel
32 infestation prevention fee in an amount of not more than ten dollars
33 (\$10), as determined by the department, which shall be imposed
34 annually on every vessel subject to the fees imposed by Section
35 9853.

36 (1) In determining the amount of the fee imposed pursuant to
37 this subdivision, the department shall establish, and consult with,
38 a technical advisory group consisting of interested persons,
39 including, but not limited to, ~~recreation~~ recreational boating and

1 reservoir operation representatives. The members of the advisory
2 group shall be appointed by the director.

3 (2) The department shall adopt an emergency regulation to
4 prescribe procedures for the collection and use of the quagga and
5 zebra mussel infestation prevention fee for the purposes of this
6 article.

7 (b) All revenues collected from the fee shall be deposited into
8 the Quagga and Zebra Mussel Infestation Prevention Account
9 established pursuant to Section 676, and shall be expended solely
10 for the purposes set forth in that section.

11 (c) The fee established by this section shall not apply to vessels
12 that are used exclusively in marine waters.

13 676. (a) The Quagga and Zebra Mussel Infestation Prevention
14 Account is hereby established in the General Fund. All moneys
15 deposited in the account shall be used solely for the purposes of
16 this section. Funds from the account shall be available, upon
17 appropriation by the Legislature, to the department for grants
18 according to the following schedule:

19 (1) An amount of ~~85~~ 85 percent of the total revenues deposited
20 into the account established pursuant to this subdivision shall be
21 made available for grants to special districts, cities, counties, ~~and~~
22 ~~city and county governments~~, and joint powers authorities for the
23 reasonable regulatory costs incident to the implementation of ~~an~~
24 ~~adopted~~ a dreissenid mussel infestation prevention plan *adopted*
25 *either before or after January 1, 2013*, that is consistent with the
26 requirements of Section 2302 of the Fish and Game Code.

27 (2) An amount of ~~15~~ 15 percent of the total revenues
28 established pursuant to this subdivision deposited into the account
29 shall be made available to the Department of Fish and Game for
30 reasonable regulatory costs incident to the implementation of
31 subdivision (a) of Section 2301 of the Fish and Game Code in
32 those areas of the state where a dreissenid mussel infestation
33 prevention plan has not been adopted.

34 (b) For the purposes of awarding grants pursuant to paragraph
35 (1) of subdivision (a), the department shall give priority to adopted
36 dreissenid mussel infestation prevention plans that are consistent
37 with Section 2302 of the Fish and Game Code and that also include
38 visual and manual inspection standards and other infestation
39 prevention procedures consistent with either the Department of
40 Fish and Game's Invasive Mussel Guidebook for Recreational

1 Water Managers and Users, dated September 2010, or the Natural
2 Resource Agency's Aquatic Invasive Species Management Plan,
3 dated January 2008, or subsequently adopted guidebooks and
4 management plans.

5 (c) For purposes of this article, reasonable regulatory costs
6 include costs associated with the investigation and inspection of
7 a conveyance for the presence of dreissenid mussels prior to contact
8 with a reservoir, as defined in Section 6004.5 of the Water Code.
9 None of the revenues deposited in the account established by
10 subdivision (a) shall be used for any purpose other than those
11 explicitly authorized by this section.

12 (d) For the purposes of this section, conveyances include boats
13 and other watercraft, and associated vehicles, containers, and
14 trailers that may carry or contain adult or larval dreissenid mussels.

15 *677. This article does not preempt a special district, city,*
16 *county, or joint powers authority from adopting local regulations*
17 *or ordinances related to the prevention and eradication of invasive*
18 *aquatic species.*